



Burlington City Council Ordinance Committee Meeting *In-Person and Remote*** - Monday, July 11th at 2:30 PM 7/11/2022**

City Council Ordinance Committee

Monday, July 11, 2022

Via Zoom

DRAFT MINUTES

Ordinance Committee Members Present: Councilor Traverse (Chair), Councilor Hanson, Councilor Hightower

Staff Present: Tim Devlin (Assistant City Attorney), Meagan Tuttle (Director of City Planning), Charles Dillard (Principal Planner), Bill Ward (Director, Department of Permitting and Inspections), Scott Gustin (Zoning Manager, Department of Permitting and Inspections), Patti Wehman (Housing Manager, Department of Permitting and Inspections)

Others in Attendance: Bob Butani, Paul Bierman, Randy Burnett, Sharon Bushor, Brian Lee of Freeman French and Free Architects (Architects for the Burlington School District), Dan McLean, Sarah Morgan

Meeting called to order at 2:36 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hightower, Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Unanimous

1. Public Forum

i. Public Forum



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- Sharon Bushor: Voiced concern about finding optimal meeting times that work well for effected working people. Concerned over steep slopes zoning change, but has questions about possible set backs.
- Bob Butani: Concerned over steep slopes zoning change.

1. Minutes

i. Approval of Minutes of 5/31/22

Motion to approve minutes by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Unanimous

1. Committee Discussion/Possible Action

4.01 CDO - ZA #22-03 - Steep Slopes

Scott Gustin: The proposed zoning change creates a "Steep Slopes Overlay" in addition to existing zoning in area. Planning has created a map of this overlay. A setback was accounted for development at top of slopes. The Comprehensive Development Ordinance ("CDO") already addresses development at bottom of slopes. It was a conscious choice to not add additional detail because the CDO and International Building Code ("IBC") already address slopes.

Councilor Hightower: What is driving this zoning change? Are the previous standards inadequate?

Scott Gustin: Building safety is the main driver of this zoning change. Detail surrounds the foundation type. More about safety than prohibition on development; not a "you can't build here."

Director Tuttle: Zoning Permit Conditions require geotechnical analysis stamped by professional geotechnical engineer.

Councilor Hightower: What is City Engineer's role? How public is the approval process?

Scott Gustin: The City Engineer must concur. Zoning requires a public process, in addition to building permitting process.

Councilor Hanson: The City Engineer currently weighs in?



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Scott Gustin: No, only building inspector. In proposed changes, City Engineer will have to concur in permitting process. This process will have more input from City Engineer and will maintain public input.

Bob Butani: Concern over who is signing off on developments, and qualifications. Likes that it will be a licensed engineer.

Scott Gustin: The proposal will indeed require a licensed engineer perform safety analysis.

Councilor Traverse: Understands interest in not duplicating CDO and IBC, but where do technical terms regarding slope angles, etc., come from? International standards or local?

Scott Gustin: From existing language Burlington codes, specifically CDO.

Councilor Traverse: How is public being made aware of this ordinance, the to-be-subject properties, and new applications? Are there "permitted uses" that would be subject to this?

Scott Gustin: The subject properties would be flagged based on map. If the permit application goes to the Development Review Board (DRB), it would be a public process, but not every development requires DRB review. Staff opted that Steep Slopes alone not be an absolute trigger for DRB review; staff did not want to change DRB review standards. Possible for only public element to be a red "Z Card" on property.

Director Tuttle: "Major impact" may also trigger DRB review. Other thresholds depending on zoned areas. Many area in Steep Slope Overlay is in Conservation Districts of some kind; only applicable for conditional use

Motion: *"Approve ordinances and refer to the Full City Council for 2nd Readings, public hearing, with recommendation for adoption."*

Motion made by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Unanimous

4.02 CDO - ZA #22-05 - Burlington High School Zoning

Director Tuttle: The aim of the proposed zoning change is to facilitate a modern use for a modern high school. Since 1973, has become more and more non-conforming; in recreation and conservation district. Amendment seeks to rezone from "Recreation and Conservation District" to an "Educational District," and to create an overlay "Institutional Core Campus Overlay Districts." This overlay zone limits uses to 'school uses' and a number of commercial uses that could occur in conjunction for technical school. This district spanned two different parking districts; making the parking go into only one parking zone.



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Councilor Hanson: Implications on new parking? What about other City-Wide parking standards and effect on North Avenue developments? Would a setback for the school skirt parking requirements? The school should be subject to "Multi-Modal Mixed Use District" requirements.

Director Tuttle: Currently, the parking being in two different parking areas is complicates the determination of how many parking spaces could be on the area. This simplifies that determination by treating the whole area as only one parking area. Other City-Wide parking standards are indeed still pending. The School District was not trying to skirt possible new parking requirements but just wanted to simplify the process for determining how much parking would be on the site.

Brian Lee Freeman French and Free Architects: Did not want to prorate parking if building crossed a boundary. Current language is based on number of classrooms which potentially could be bisected if certain designs were selected. Goal is to optimize and minimize parking; want to increase transit to site, a better Transportation Demand Management (TDM) approach rather than a zoning-based approach.

Councilor Hanson: Can we put entire property into Multi-Modal Mixed Use District? Change in zoning or in parking map?

Director Tuttle: Would recommend changing Article 8 and Parking Map. Opening Map (will be posted to Board Docs); Pink area is Multi-Modal Mixed Use District, which is ~150 wide from Right-of-Way, but certain properties are entirely within the Multi-Modal Mixed Use District, such as the Cambrian Rise. Could add "For the purpose of calculation a maximum number of spaces, needs to follow frontage." And follow up with updated parking map.

Councilor Hanson: Don't want to split districts over a property but give preference to a Multi-Modal Mixed Use District over Neighborhood District; want the stronger requirement.

Director Tuttle: Can work with Attorney's Office to rework Line 81.

Councilor Traverse: Want to advance this now and amend zoning further later? Want to notice prior to August 15.

Director Tuttle: Can rework with amended language, and share with Councilor Hanson.

Councilor Hightower: Question regarding setbacks: Are there other similar properties in the City? What is the minimum setback in current proposal for schools?

Director Tuttle: All other educational institutions have different overlays for setbacks depending on goals of City, e.g. deeper on Trinity Campus than elsewhere. 15-foot setback is the default for the underlying districts. Setbacks range from 15 feet to 40 feet (Trinity even deeper).

Brian Lee of Freeman French and Free Architects: Building will be set back more than minimums. East side accounts for possible future expansion of new wing or a drop-off area. Height is ~80 feet and therefore at least 60 feet back.

Councilor Hightower: 20 feet is more a city wide standard rather than particular to this project?

Director Tuttle: Want to plan and allow for future additional developments at high school.

Sharron Bushor: Neighbors were concerns about shallow setback if building was so tall. Thinks buildings are too close to the road. Want to maintain scenic vistas along roadways. Wants removal of "Recycling Center- Large" in proposed table of Permitted Uses.



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Councilor Traverse: Permitted Uses are only permitted if performed in conjuncture with educational uses.

Councilor Hightower: 20 feet does not seem like a large enough set back, but overlays are good.

Councilor Traverse: There is a 15-day warning period; could meet again and pass out an amended version with time to warn.

Councilor Hanson: If committee members agree on substance, do not need to meet and debate on this again.

Councilor Traverse: Unsure of what impact would be if we change the parking districts. If no significant change, okay with amending it, but would have pause if otherwise.

Brian Lee of Freeman French and Free Architects: Cannot speak to School District's opinions on any ongoing commitments to TDM. The entirety of the building would sit a few hundred feet away from roadway, far from the Multi-Modal Mixed Use District, although do support less cars, but do maintain goal to be functional by 2025 which will include parking.

Councilor Hanson: TDM is a big component.

Councilor Traverse: Wants another meeting in end of July to discuss this item further.

Scott Gustin: Regarding a permit process, complication of putting entire building into a Multi-modal Zone would lower parking ceiling. Even if lowered, still at discretion of DRB. Freeman French and Free Architects stated will be below maximum in Multi-Modal Mixed Use District zoning. Still has to go to TDM.

Director Tuttle: Multi-Modal Mixed Use District is 5 spaces per classroom, whereas 7 in Neighborhood District. District should check if this affects their planning re spaces.

Director Tuttle: Move to postpone additional meeting?

Councilor Hightower: Okay either way.

Councilor Hanson: another Committee meeting would be preferred.

Motion: *"Move to postpone consideration of matter until next meeting, meeting time to be scheduled during week of July 25."*

Motion made by Councilor Traverse, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Unanimous

4.03 BCO - Ch. 12 – Electricity



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Councilor Traverse: Can you describe the posed changes and focus on §12.22.C and D and the changes to the fees?

Director Ward: The proposed changes remove permit requirements for small electrical projects that most people preform without realizing that they need a permit. This will hopefully reduce response time for inspections, as this will free up staff to work on other items. Proposed changes simplify the permitting process and will increase fees to A) recover lost fees from now fewer permits, and B) costs of inspectors have increased since ordinance was last amended. Fees were vetted by electricians at public meeting, and none had any objections. Added re-inspection fees, which are common at state, but not yet at local rate.

Councilor Traverse to City Attorney's Office: To replace gendered pronouns with gender-neutral pronouns. Consensus by committee to approve of this.

Motion: *"To Approve ordinance as amended, and with additional amendments to be drafted by the City Attorney's Office to replace any reference to pronouns with gender-neutral pronounces, and refer to full City Council for second reading and with recommendation for approval."*

Motion by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Unanimous

1. Any Other Business

5.01 Next Meeting(s) and items to review

Scheduling the next meeting: To be on date the week of July 25, at an afternoon/evening time. Monday (7/25) evening or Wednesday (7/27) prior to 6pm. Chair Traverse will work with Acting City Attorney Sturtevant to schedule the precise date, time, and location.

1. Adjournment

Motion to adjourn by Councilor Hightower, seconded by Councilor Hanson.



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Final Resolution: Motion Passes

Yes: Unanimous.

The meeting was adjourned at 4:17pm.